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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/661,926

09/11/2003

Mazen Chmaytelli

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8382

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EXAMINER

HALIYUR, VENKATESH N

ART UNIT

PAPER NUMBER

2476

NOTIFICATION DATE

DELIVERY MODE

03/26/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/661,926	Applicant(s) CHMAYTELLI ET AL.	
	Examiner VENKATESH HALIYUR	Art Unit 2476	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/08/2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31(claims 20,30 canceled) is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19,21-29,31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on 02/08/2010 has been fully considered. Rejection follows.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/08/2010 has been entered.
3. Claims 1-31 are pending in the application. Claims 20, 30 are canceled.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
5. Claims 21-29 are rejected under 35 U.S.C. 101 because the claims are directed to non-statutory subject matter.

Regarding claims 21-29, these claims are directed to “A computer-readable storage medium...” which fails to meet 101 guidelines set forth therein because the claim covers both statutory and non-statutory subject matter as para 0028 of the specification, the instructions is defined to be residing in various types of signal-bearing media.

Thus, claims 21-29 are non-statutory since the patent protection sought by the claimed invention is for the computer program in the abstract and for a signal.

Therefore these claims must be modified to recite as “A non-transitory computer-readable storage medium....” and therefore appropriate corrections are required to these claims. Please refer to Interim Examination Instructions for Evaluating Subject Matter Eligibility Under 35 U.S.C. 101, Aug 24, 2009.

Claim Rejections - 35 USC § 112

6. Claims 1-19, 21-29, 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 10, 11, 21 is indefinite because the claims do not clearly define the classification process for the incoming communication and it cannot be determined what types of connections are being classified for what type of communication request that is being identified and how the basis under which the processor is performing these classification and the steps performed by the processor after the classification and therefore claims 1,10,11,21 are indefinite for failing

to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Therefore dependent claims are also rejected since they depend from claims 1,10,11,21. Appropriate corrections are required to these claims.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

a. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-19, 21-29, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. [US Pub: 2003/0112952] and Payne et al. [7,003,327] further in view of Bhatti et al. [US Pat: 6,304,906].

Regarding claim 1, Brown et al in the invention of “Automatically Establishing a Telephone Connection Between a Subscriber and a Party Meeting One or More Criteria” disclosed a cellular telephone (**items 502, 504, Figs 5/6, para 0152-0153, 0168-169**) comprising: having a processor (**item 530 of Fig 5**); a wireless communication interface (**item 528 of Fig 5**), coupled to said processor, wherein the wireless communication interface selectively receives (**filter or screen calls, para 0094**) an attempted incoming communication connection across a wireless network, and a memory (**para 0018**), coupled to

said processor (**para 0045-0047**), wherein the processor is operable to (**para 0033-0037, Fig 1**): classify (**item 524 of Fig 5, para 0091**) the attempted incoming communication connection using identifying information of the attempted incoming (**caller identification**) communication connection (**para 0090**); and perform a predetermined response to the attempted incoming communication connection based upon a classification of the attempted incoming communication connection (**classify the attempted calls according to calling party classification, para 0091-0094**). Brown et al, disclosed that PDA, wireless telephone (**cellular telephone**) may comprise call processor (**item 120b of Fig 1, para 0047**) and the classification process in the cellular telephone (**0057-0063**) but Brown et al fails to explicitly disclose that the processor is located at a cellular telephone. However, Payne et al in the invention of "Heuristically Assisted User Interface for a Wireless Communication Device" disclosed a mobile device (**item 300 of Fig 3**) including the wireless communication interface coupled to a processor (**item 304 of Fig 3**), and the memory (**item 324 of Fig 3**) coupled to the processor module for performing processing tasks (**col 9, lines 38-67, col 10, lines 1-29**) to provide predetermined responses based on the incoming service request (**col 10, lines 30-67, col 11, lines 1-57, Fig 4**) (**col 5, lines 53-67, and col 6, lines 1-11**). Therefore it would have been obvious for one of the ordinary skill in the art at the time the invention was made to use the method of including a processor coupled to the memory and the client module for performing processing tasks in the cellular telephone as taught by Payne et al in

the system of Brown et al to include a processor coupled to a memory and a classifier in the cellular telephone to classify the incoming communication connection.

Both Brown and Payne fails to disclose the features of whether to classify or not to classify the incoming connection based on the identifying information in the connection request, however, Bhatti et al disclosed the feature of receive an incoming communication connection and determine whether the incoming communication can be classified using identifying information of the attempted incoming communication connection (**col 2, lines 58-66, Fig 1**); determine whether a user needs to classify (**classification system 100, Fig 1**) the incoming communication when it is determined that the incoming communication cannot be classified using identifying information of the attempted incoming communication connection (**col 3, lines 24-43, Fig 5**); classify the attempted incoming communication connection using the identifying information of the attempted incoming communication connection when it is determined that the incoming communication can be classified or when it is determined that the user does not need to classify the incoming communication (**col 3, lines 09-16**); request a user to classify the incoming communication and determine whether the user classified the incoming communication when it is determined that the user needs to classify the incoming communication (**col 3, lines 44-52**); classify the attempted incoming communication connection based upon the user classification when it is determined that the user classified the incoming

communication **(col 3, lines 17-23)**; determine whether there is a predetermined response to the attempted incoming communication connection based upon a classification of the attempted incoming communication connection **(col 3, lines 53-57)**; perform the predetermined response to the attempted incoming communication connection based upon . the classification of the attempted incoming communication connection when it is determined that there is a predetermined response to the attempted incoming communication connection **(col 6, lines 40-52, Fig 3)**; and allow connection of the incoming communication when it is determined that there is not a predetermined response to the attempted incoming communication connection or when it is determined that the user did not classify the incoming communication **(col 3, lines 57-67)**.

Therefore it would have been obvious for one of the ordinary skill in the art at the time the invention was made to use the method of whether to classify or not to classify the incoming connection based on the identifying information in the connection request as taught by Bhatti et al in the system of Brown et al as modified by Payne et al features of whether to classify or not to classify the incoming connection based on the identifying information in the connection request. One is motivated as such in order to provide a predetermined response to improve the call handling ability based on the classification and identification of the incoming call at a cellular telephone **(Payne et al, col 13, lines 22-33)**.

Regarding claims 2-3,12-13,22-23, Brown et al disclosed that the predetermined response is to block **(filter or screen calls)** the attempted

incoming communication connection attempt and the predetermined response includes an audio response (**voice message/mail**) to the attempted incoming communication connection (**para 0094**).

Regarding claim 4, 14, 24, Brown et al disclosed that the predetermined response is to request user input as to whether to accept the attempted incoming communication connection (**para 0032-0033, 0039-0042**).

Regarding claim 5, 15, 25, Brown et al disclosed that the predetermined response is to return a data response to the attempted incoming communication connection (**para 0124**).

Regarding claim 6, 16, 26, Brown et al disclosed that the classification of the attempted incoming communication connection occurs from identifying the telephone number of a calling telephone making the attempted incoming communication connection to the device (**para 0037**).

Regarding claims 7-8, 17-18, 27-28, Brown et al disclosed that the classification occurs through the receipt of Caller ID for the attempted incoming communication connection and the classifying the attempted incoming communications occurs through the receipt of identity data within the attempted incoming communication connection (**para 0091-0093**).

Regarding claim 9, 19, 29, Brown et al disclosed that the predetermined response is to send a short messaging service (**SMS**) message to the device making the attempted incoming communication connection (**para 0124**).

Regarding claim 10, Brown et al disclosed a computer cellular telephone **(items 502, 504, Fig 5, para 0152)**, comprising: means for selectively receiving **(filter or screen calls)** an attempted incoming communication connection across a wireless network **(Figs 1)**; means for classifying **(item 524 of Fig 5)** the attempted incoming communication connection using identifying information of the attempted incoming communication connection **(para 0090, 0168)**; and means for performing a predetermined response to the attempted incoming communication connection based upon a classification of the attempted incoming communication connection **(classify the attempted calls according to calling party classification, para 0091-0094, 0170)**. Brown et al, disclosed that PDA, wireless telephone (cellular telephone) may comprise call processor **(item 120b of Fig 1, para 0047)** and the classification process in the cellular telephone **(0057-0063)** but Brown et al fails to explicitly disclose that the processor is located at a cellular telephone. However, Payne et al disclosed a mobile device **(item 300 of Fig 3)** including the wireless communication interface coupled to a processor **(item 304 of Fig 3)**, and the memory **(item 324 of Fig 3)** coupled to the processor module for performing processing tasks **(col 9, lines 38-67, col 10, lines 1-29)** to provide predetermined responses based on the incoming service request **(col 10, lines 30-67, col 11, lines 1-57, Fig 4) (col 5, lines 53-67, and col 6, lines 1-11)**. Therefore it would have been obvious for one of the ordinary skill in the art at the time the invention was made to use the method of including a processor coupled to the memory and the client module for

performing processing tasks in the cellular telephone as taught by Payne et al in the system of Brown et al to include a processor coupled to a memory and a classifier in the cellular telephone to classify the incoming communication connection.

Both Brown and Payne fails to disclose the features of whether to classify or not to classify the incoming connection based on the identifying information in the connection request, however, Bhatti et al disclosed means for receive an incoming communication connection and determine whether the incoming communication can be classified using identifying information of the attempted incoming communication connection (**col 2, lines 58-66, Fig 1**); determine whether a user needs to classify (**classification system 100, Fig 1**) the incoming communication when it is determined that the incoming communication cannot be classified using identifying information of the attempted incoming communication connection (**col 3, lines 24-43, Fig 5**); classify the attempted incoming communication connection using the identifying information of the attempted incoming communication connection when it is determined that the incoming communication can be classified or when it is determined that the user does not need to classify the incoming communication (**col 3, lines 09-16**); request a user to classify the incoming communication and determine whether the user classified the incoming communication when it is determined that the user needs to classify the incoming communication (**col 3, lines 44-52**); classify the attempted incoming communication connection based upon the user

classification when it is determined that the user classified the incoming communication **(col 3, lines 17-23)**; determine whether there is a predetermined response to the attempted incoming communication connection based upon a classification of the attempted incoming communication connection **(col 3, lines 53-57)**; perform the predetermined response to the attempted incoming communication connection based upon . the classification of the attempted incoming communication connection when it is determined that there is a predetermined response to the attempted incoming communication connection **(col 6, lines 40-52, Fig 3)**; and allow connection of the incoming communication when it is determined that there is not a predetermined response to the attempted incoming communication connection or when it is determined that the user did not classify the incoming communication **(col 3, lines 57-67)**.

Therefore it would have been obvious for one of the ordinary skill in the art at the time the invention was made to use the method of whether to classify or not to classify the incoming connection based on the identifying information in the connection request as taught by Bhatti et al in the system of Brown et al as modified by Payne et al to include means for whether to classify or not to classify the incoming connection based on the identifying information in the connection request. One is motivated as such in order to provide a predetermined response to improve the call handling ability based on the classification and identification of the incoming call at a cellular telephone **(Payne et al, col 13, lines 22-33)**.

Regarding claims 11, Brown et al disclosed a method for responding to incoming communication connection attempts at a cellular telephone (**items 502, 504, para 0152**) the method comprising (**para 0017-0018**): receiving an attempted incoming communication connection at a cellular telephone, storing the incoming communication in a memory of the cellular telephone (**para 0047,0152-0153**); classifying the attempted incoming communication connection using identifying information (**caller identification**) of the attempted incoming communication connection (**para 0090**); and performing a predetermined response to the attempted incoming communication connection based upon a classification of the attempted incoming communication connection (**classify the attempted calls according to calling party classification, para 0091-0094, 0154, Fig 1**). Brown et al, disclosed that PDA, wireless telephone (cellular telephone) may comprise call processor (**item 120b of Fig 1, para 0047**) and the classification process in the cellular telephone (**0057-0063**) but Brown et al fails to explicitly disclose that the processor is located at a cellular telephone. However, Payne et al disclosed a mobile device (**item 300 of Fig 3**) including the wireless communication interface coupled to a processor (**item 304 of Fig 3**), and the memory (**item 324 of Fig 3**) coupled to the processor module for performing processing tasks (**col 9, lines 38-67, col 10, lines 1-29**) to provide predetermined responses based on the incoming service request (**col 10, lines 30-67, col 11, lines 1-57, Fig 4**) (**col 5, lines 53-67, and col 6, lines 1-11**). Therefore it would have been obvious for one of the ordinary skill in the art at the

time the invention was made to use the method of including a processor coupled to the memory and the client module for performing processing tasks in the cellular telephone as taught by Payne et al in the system of Brown et al to include a processor coupled to a memory and a classifier in the cellular telephone to classify the incoming communication connection.

Both Brown and Payne fails to disclose the features of whether to classify or not to classify the incoming connection based on the identifying information, however, Bhatti et al disclosed the feature of receive an incoming communication connection and determine whether the incoming communication can be classified using identifying information of the attempted incoming communication connection (**col 2, lines 58-66, Fig 1**); determine whether a user needs to classify (**classification system 100, Fig 1**) the incoming communication when it is determined that the incoming communication cannot be classified using identifying information of the attempted incoming communication connection (**col 3, lines 24-43, Fig 5**); classify the attempted incoming communication connection using the identifying information of the attempted incoming communication connection when it is determined that the incoming communication can be classified or when it is determined that the user does not need to classify the incoming communication (**col 3, lines 09-16**); request a user to classify the incoming communication and determine whether the user classified the incoming communication when it is determined that the user needs to classify the incoming communication (**col 3, lines 44-52**); classify the

attempted incoming communication connection based upon the user classification when it is determined that the user classified the incoming communication (**col 3, lines 17-23**); determine whether there is a predetermined response to the attempted incoming communication connection based upon a classification of the attempted incoming communication connection (**col 3, lines 53-57**); perform the predetermined response to the attempted incoming communication connection based upon the classification of the attempted incoming communication connection when it is determined that there is a predetermined response to the attempted incoming communication connection (**col 6, lines 40-52, Fig 3**); and allow connection of the incoming communication when it is determined that there is not a predetermined response to the attempted incoming communication connection or when it is determined that the user did not classify the incoming communication (**col 3, lines 57-67**).

Therefore it would have been obvious for one of the ordinary skill in the art at the time the invention was made to use the method of whether to classify or not to classify the incoming connection based on the identifying information in the connection request as taught by Bhatti et al in the system of Brown et al as modified by Payne et al to include means for whether to classify or not to classify the incoming connection based on the identifying information in the connection request. One is motivated as such in order to provide a predetermined response to improve the call handling ability based on the classification and identification of the incoming call at a cellular telephone (**Payne et al, col 13, lines 22-33**).

Regarding claim 21, Brown et al disclosed a computer-readable storage medium encoded with computer-executable instructions, which when executed by a computer in a cellular telephone (**items 502, 504 of Fig 5, para 0152**) causes the computer to perform operations comprising (**para 0017-0018**): receiving an attempted incoming communication connection from another device across a wireless network (**Fig 1**); classifying the attempted incoming communication connection using identifying information (**caller identification**) of the attempted incoming communication connection (**para 0090**); and at least one instruction for performing a predetermined response to the attempted incoming communication connection based upon a classification of the attempted incoming communication connection (**classify the attempted calls according to calling party classification, para 0091-0094**). Brown et al, disclosed that PDA, wireless telephone (cellular telephone) may comprise call processor (**item 120b of Fig 1, para 0047**) and the classification process in the cellular telephone (**0057-0063**) but Brown et al fails to explicitly disclose that the processor is located at a cellular telephone. However, Payne et al disclosed a mobile device (**item 300 of Fig 3**) including the wireless communication interface coupled to a processor (**item 304 of Fig 3**), and the memory (**item 324 of Fig 3**), coupled to the processor module for performing processing tasks (**col 9, lines 38-67, col 10, lines 1-29**) to provide predetermined responses based on the incoming service request (**col 10, lines 30-67, col 11, lines 1-57, Fig 4, col 5, lines 53-67, and col 6, lines 1-11**). Therefore it would have been obvious for one of the ordinary skill in the art

at the time the invention was made to use the method of including a processor coupled to the memory and the client module for performing processing tasks in the cellular telephone as taught by Payne et al in the system of Brown et al to include a processor coupled to a memory and a classifier in the cellular telephone to classify the incoming communication connection.

Both Brown and Payne fails to disclose the features of whether to classify or not to classify the incoming connection based on the identifying information, however, Bhatti et al disclosed the feature of receive an incoming communication connection and determine whether the incoming communication can be classified using identifying information of the attempted incoming communication connection (**col 2, lines 58-66, Fig 1**); determine whether a user needs to classify (**classification system 100, Fig 1**) the incoming communication when it is determined that the incoming communication cannot be classified using identifying information of the attempted incoming communication connection (**col 3, lines 24-43, Fig 5**); classify the attempted incoming communication connection using the identifying information of the attempted incoming communication connection when it is determined that the incoming communication can be classified or when it is determined that the user does not need to classify the incoming communication (**col 3, lines 09-16**); request a user to classify the incoming communication and determine whether the user classified the incoming communication when it is determined that the user needs to classify the incoming communication (**col 3, lines 44-52**); classify the

attempted incoming communication connection based upon the user classification when it is determined that the user classified the incoming communication **(col 3, lines 17-23)**; determine whether there is a predetermined response to the attempted incoming communication connection based upon a classification of the attempted incoming communication connection **(col 3, lines 53-57)**; perform the predetermined response to the attempted incoming communication connection based upon . the classification of the attempted incoming communication connection when it is determined that there is a predetermined response to the attempted incoming communication connection **(col 6, lines 40-52, Fig 3)**; and allow connection of the incoming communication when it is determined that there is not a predetermined response to the attempted incoming communication connection or when it is determined that the user did not classify the incoming communication **(col 3, lines 57-67)**.

Therefore it would have been obvious for one of the ordinary skill in the art at the time the invention was made to use the method of whether to classify or not to classify the incoming connection based on the identifying information in the connection request as taught by Bhatti et al in the system of Brown et al as modified by Payne et al to include whether to classify or not to classify the incoming connection based on the identifying information in the connection request. One is motivated as such in order to provide a predetermined response to improve the call handling ability based on the classification and identification of the incoming call at a cellular telephone **(Payne et al, col 13, lines 22-33)**.

Regarding claim 31, Brown et al disclosed the cellular telephone wherein the default response is an audio message configured for unidentified calling parties (**default to voice mail system, para 0094**).

Response to Arguments

9. Applicant's argument, see remarks filed on 02/08/2010 with respect to claims 1-31 have been fully considered, but is moot in view of the new ground(s) of rejections.

Conclusion

10. Any inquiry concerning this communication or earlier communications should be directed to the attention to Venkatesh Haliyur whose phone number is 571-272-8616. The examiner can normally be reached on Monday-Friday from 9:00AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached @ (571)-272-3795. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571)-272-2600 or fax to 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

/Venkatesh Haliyur/

Examiner, Art Unit 2476

/Ayaz R. Sheikh/

Supervisory Patent Examiner, Art Unit 2476